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EXAMINER
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LI, GUANG W

ART UNIT	PAPER NUMBER
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2146

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,500	<b>Applicant(s)</b> OGASAWARA ET AL.	
	<b>Examiner</b> Guang Li	<b>Art Unit</b> 2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-8,10,11,13,14,16,17,19-21,23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8,10,11,13,14,16,17,19-21,23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2007 has been entered.

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment date 12/18/2007

3. Claims 1, 3-4, 6-8, 10-11, 13-14, 16-17, 19-21, 23 and 25-33 are presented for examination and claims 2, 5, 9, 12, 15, 18, 22 and 24 have been canceled.

### **Oath/Declaration**

4. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

### **Priority**

5. As required by **M.P.E.P. 201.14(c)**, acknowledgement is made of applicant's claim for priority based on applications filed on November 25, 2003 (Japan 2003-394557).

### ***Claim Objections***

6. Claims 1 and 3 is objected to because of the following informalities:

Claim 1, line 9, recite "and" should be deleted because is conflict with line 20 "and".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Regarding claim 3, the phrase "Video/Audio" is unclear because it's unclear whether claimed video or audio.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1, 3-4, 6-8, 10-11, 13-14, 16-17, 19-21, 23 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al. (US 6,266,649) in view of Angles et al. (US 5,933,811) and further in view of Buhse et al. (US 2004/0024652 A1).

12. Regarding claim 1, Linden teaches a service managing apparatus for managing an information transmission service in which digital content is sent in real time (**Instant Recommendation service and when user using the current and/or recent shopping cart contents as inputs tends to produce recommendations, recommendation will displayed automatically when the user views the shopping cart contents see col.3 lines 38-47; Fig. 5 and Fig. 6**) between communication devices connected to each other over a network (**user computers(34) connected to the internet and connected to the web server (32) see Fig.1**), in real time the apparatus comprising:

a communication controlling means for controlling the communication with each of the communication devices (**web server will control the flow of information that is used by recommendation service see col.7 lines 6-19**);

an information registering (**User Profile see Fig.1 item 38**) means for maintaining registration information (music title and video title consider as audio/video information "context of a recommendation service, including two specific implementations thereof, that is used to recommend book titles, music titles, video titles, and other types of items to individual users of the Amazon.com Web site" see col.4 lines 40-45) on more than one piece of content available from those of communication devices that are registered as an information provider (**computer implemented service and associated methods for generating personalized recommendations of item based on the collective interests of a community of users see col.2 lines 33-37**); and

an information managing means for dynamically generating, based on the registration information, choices-window information from which selection is made (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40) of a desired one of the plurality of pieces of offered content by those of (“**to generate a set of recommendations for a give user, the services retrieves from the table the similar items lists corresponding to items already known to be of interest to the user, and then appropriately combines these lists to generate a list of recommended items” see col.3 lines 7-18)** the communication devices that are to receive the desired piece of offered content,

the information managing means updating, when the registration information has been updated based on updating information, the choices-window information on the basis of the (**external component(40) are various order processing module for accepting and processing orders and for updating the purchase histories of the users see col.7 lines 40-48)** updated registration information, wherein the choice-window information includes information indicative of whether the communication device that is the information includes information indicative of whether the communication device that is the information provider can currently provide the offered digital content in real time (Linden teaches only recommended information will be shown to the users and

when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40), and

wherein communication controlling means controls the connection between the communication device that receives the desired piece of offered content (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40) and the communication device that send the desired piece of offered content being provided in real time **(only recommended information will be shown to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40).**

Angles teaches a registered information updating step of updating the information registering means on the basis of updating information reflecting the current status of the information provider (a system and method for delivering customized electronic advertisement in an interactive communication system. The customized advertisements are selected based on consumer computer and are then integrated with offering maintained by different content providers see abstract). Angles further provides

the advantage of when the advertisement providers status is present, the content provider computer requests the customized advertisement and the advertisement computer then sends the customized directly to the consumer computer (FIG. 9 and 10 see Col. 21 line 52).

Linden together with Angles does not explicitly disclose maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time.

Buhse teaches maintaining registration information on more than one piece of digital content from those of communication devices that are registered (system updates the catalog and can be distributed to retail network "The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105" see Buhse: ¶[0037]) offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time (downloading digital content from the content distributor center to the consumer in real time listing "The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products" see Buhse: ¶[0031]; Fig.2C Item 6a).

It would have been obvious to one of ordinary skill in the art, having the teachings of Linden through Buhse before them at the time the invention was made to modify the service managing method and system of Linden and Angles to include maintaining registration information on more than one piece of digital content from those



of communication devices that are registered, offered digital content in real time, and offered content being provided in real time when it is indicated as currently available in real time as taught by Buhse.

One of ordinary skill in the art would have been motivated to make this modification in order to provide more efficient managing an information transmission service over a network in view of Buhse.

13. Regarding claim 3, Linden through Buhse taught service managing system and method according to claim 1, as described above. Linden further teaches the information managing means generates the choices-window information (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users "the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category" see col. 15 lines 36-40) from which selection is available only for video/audio content that can currently be provided in real time **(The user can also select a specific category such as "non-fiction" or "romance" from a drop down menu 202 to request category-specific recommendations see col.15 lines 63-67).**

14. Regarding claim 4, Linden through Buhse taught service managing system and method according to claim 1, as described above. Buhse further teaches the updating information includes types of more than one media which can be used for the real-time provision of the offered digital content (download songs or digital work direct from the

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system "From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of product. In some cases the rendering device itself can accomplish a direct download from the system" see Buhse: ¶ [0221]).

15. Regarding claim 6, Linden through Buhse taught service managing system and method according to claim 1, as described above. Linden further teaches the information managing means receives the registered information and registers it into the information registering means; and the communication device receives the updating information and updates the registered information **(computer implemented service and associated method for generating personalized recommendations of items based on the collective interests of a community of users and updating the recommended lists based on the users purchased see col.2 lines 33-45; col.7 lines 40-48).**

16. Regarding claim 7, Linden through Buhse taught service managing system and method according to claim 6, as described above. Linden further teaches the communication controlling means receives the updating information from the communication device (system updates the catalog and can be distributed to retail network "The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105" see Buhse: ¶[0037]) which provides the digital content in real time (downloading digital content from the content

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distributor center to the consumer in real time listing "The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products" see Buhse: ¶[0031]; Fig.2C Item 6a).

17. Regarding claim 8, they are rejected for the same reason as claims 1 as set forth hereinabove. Linden through Buhse taught the claimed apparatus, therefor together, they teach the claimed method.

18. Regarding claims 10-11, they are rejected for the same reason as claims 3-4 as set forth hereinabove. Linden through Buhse taught the claimed apparatus, therefor together, they teach the claimed methods.

19. Regarding claim 13, Linden through Buhse taught service managing system and method according to claim 8, as described above. Buhse further teaches the information-updating step, the choices-window information is updated based on the registered information updated with the updating information received from the communication device which provides the offered digital in real time (download songs or digital work direct from the system in real time "From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of product. In some cases the rendering device itself can accomplish a direct download from the system" see Buhse:¶[0221]).

20. Regarding claim 14, Linden teaches a service proving system which provides an information transmission service in which digital content is sent in real time between

communication devices connected to each other over a network, the system comprising:

a plurality of communication devices to provide or receive offered content (music title and video title consider as audio/video information "context of a recommendation service, including two specific implementations thereof, that is used to recommend book titles, music titles, video titles, and other types of items to individual users of the Amazon.com Web site" see col.4 lines 40-45) to be provided by an information provider or to be used by an information user (**plurality computer users Fig.1 Item 34**) , respectively, each as a user of the information transmission service,

each of the communication devices including a communication means for sending or receiving offered content to or from the other communication device as a counterpart (**web server 34 accesses a database 35 HTML content which includes product information pages and other browsable information see col.7 lines 13-19**);

a service management device connected to each of the communication devices via a network to manage the information transmission service (**web server manage the information transmission device between database and the plurality computers see col.7 lines 13-19**),

the service management device (Web Server Fig.1 item 32) including:

a communication controlling means for controlling the communication with each of the communication devices (**web server will control the flow of information that is used by recommendation service see col.7 lines 6-19**);

an information registering (**User Profile see Fig.1 item 38**) means for maintaining registration information (music title and video title consider as audio/video information “context of a recommendation service, including two specific implementations thereof, that is used to recommend book titles, music titles, video titles, and other types of items to individual users of the Amazon.com Web site” see col.4 lines 40-45) on more than one piece of content available from those of communication devices that are registered as an information provider (**computer implemented service and associated methods for generating personalized recommendations of item based on the collective interests of a community of users see col.2 lines 33-37**); and

an information managing means for dynamically generating, based on the registration information, choices-window information from which selection is made (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40) of a desired one of the plurality of pieces of offered content by those of (**“to generate a set of recommendations for a give user, the services retrieves from the table the similar items lists corresponding to items already known to be of interest to the user, and then appropriately combines these lists to generate a list of recommended**

**items” see col.3 lines 7-18)** the communication devices that are to receive the desired piece of offered content,

the information managing means updating, when the registration information has been updated based on updating information, the choices-window information on the basis of the **(external component(40) are various order processing module for accepting and processing orders and for updating the purchase histories of the users see col.7 lines 40-48)** updated registration information, wherein the choice-window information includes information indicative of whether the communication device that is the information includes information indicative of whether the communication device that is the information provider can currently provide the offered digital content in real time (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40), and

wherein communication controlling means controls the connection between the communication device that receives the desired piece of offered content (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40) and the communication

device that send the desired piece of offered content being provided in real time **(only recommended information will be shown to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40).**

Angles teaches a registered information updating step of updating the information registering means on the basis of updating information reflecting the current status of the information provider (a system and method for delivering customized electronic advertisement in an interactive communication system. The customized advertisements are selected based on consumer computer and are then integrated with offering maintained by different content providers see abstract). Angles further provides the advantage of when the advertisement providers status is present, the content provider computer requests the customized advertisement and the advertisement computer then sends the customized directly to the consumer computer (FIG. 9 and 10 see Col. 21 line 52).

Linden together with Angles does not explicitly discloses maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time.

Buhse teaches maintaining registration information on more than one piece of digital content from those of communication devices that are registered (system updates the catalog and can be distributed to retail network “The system then updates the

catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105" see Buhse: ¶¶[0037]) offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time (downloading digital content from the content distributor center to the consumer in real time listing "The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products" see Buhse: ¶¶[0031]; Fig.2C Item 6a).

It would have been obvious to one of ordinary skill in the art, having the teachings of Linden through Buhse before them at the time the invention was made to modify the service managing method and system of Linden and Angles to include maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time, and offered content being provided in real time when it is indicated as currently available in real time as taught by Buhse.

One of ordinary skill in the art would have been motivated to make this modification in order to provide more efficient managing an information transmission service over a network in view of Buhse.

21. Regarding claim 16, Linden through Buhse taught service managing system and method according to claim 14, as described above. Linden further teaches the communication controlling means updates the information registering means when the information user has been authenticated with the user identification information



**(website 300 also includes a user profiles database 38 which stores account specific information about users of the site see col.7 line 20).**

22. Regarding claim 17, Linden through Buhse taught service managing system and method according to claim 16, as described above. Linden and Buhse further teaches the updating information (system updates the catalog and can be distributed to retail network "The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105" see Buhse: ¶[0037]) includes media information indicative of the type of a media which can be used by the communication device to send the offered digital content when providing the offered digital content (download songs or digital work direct from the system in real time "From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of product. In some cases the rendering device itself can accomplish a direct download from the system" see Buhse:¶[0221]); and

the communication controlling means updates the information registering means with the information indicative of whether the information provider can currently provide the offered digital content (music title and video title consider as audio/video information that send from web server to computer user browser "context of a recommendation service, including two specific implementations thereof, that is used to recommend book titles, music titles, video titles, and other types of items to individual users of the

Amazon.com Web site" see Linden: col.4 lines 40-45) and media information included in the updating information **(computer implemented service and associated method for generating personalized recommendations of items based on the collective interests of a community of users and updating the recommended lists based on the users purchased see Linden: col.2 lines 33-45; col.7 lines 40-48).**

23. Regarding claim 19, Linden through Buhse taught service managing system and method according to claim 14, as described above. Linden and Buhse further teach the updating information includes digital content indicative of the position of the communication device which sends the offered information **(data stored in the database see Linden: col.7 lines 20-39);** and

the connection controlling means controls, based on the position information, the connection between the communication device for which selection of the desired offered video/audio information is made (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users "the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category" see Linden col. 15 lines 36-40) and that which sends the selected offered digital content (download songs or digital work direct from the system in real time "From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of

product. In some cases the rendering device itself can accomplish a direct download from the system” see Buhse:¶[0221]).

24. Regarding claim 20, Linden through Buhse taught service managing system and method according to claim 14, as described above. Linden further teaches the communication device includes a call controlling means for sending and receiving a connection control signal for controlling the connection with the communication device as a counterpart in addition to the sending and reception of the offered video/audio information **(Requests received over the internet from user computers and process in the web server (34) see col.7 lines 9-16);** and

the connection controlling means receives the connection control signal from the call controlling means in the communication device and controls the connection between both the communication devices **(web server control the information flow between the user computer and database see Fig.1 item 34 and 32).**

25. Regarding claim 21, Linden teaches a service providing method for a service providing system including a plurality of communication devices to send or receive offered digital content to be provided by an information provider or to be used by an information user, respectively, each as a user of the information transmission service in which information is sent from one of communication devices connected to each other over a network to the other, and vice versa **(user computers(34) connected to the internet and connected to the web server (32) see Fig.1),** in real time **(Instant Recommendation service and when user using the current and/or recent shopping cart contents as inputs tends to produce recommendations,**

**recommendation will displayed automatically when the user views the shopping cart contents see col.3 lines 38-47; Fig. 5 and Fig. 6)** and a service management device connected to each of the communication devices via the network to manage the information transmission service, the method comprising:

an information registering step in which information on more than one piece of offered content available from those of communication devices that are registered as information providers is maintained as registration information into an information registering means of the service management device **(computer implemented service and associated methods for generating personalized recommendations of item based on the collective interests of a community of users in the web server see col.2 lines 33-37);**

an information managing step in which, referring to an information registering means of the information management device in the service management device, there is dynamically generated choices-window information from which an information user of the offered content selects a desired one of the plurality of pieces of offered content **(“to generate a set of recommendations for a give user, the services retrieves from the table the similar items lists corresponding to items already known to be of interest to the user, and then appropriately combines these lists to generate a list of recommended items” see col.3 lines 7-18)** for the communication device that is to received the desired piece of offered content;

a choices-window information updating step in which an information management means updates, when the information registering means has been

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updated based on the updating information, the choices-window information on the basis of the **(external component(40) are various order processing module for accepting and processing orders and for updating the purchase histories of the users see col.7 lines 40-48)** updated registration information, wherein the choices-window information includes information indicative of whether the communication device that is the information provider can currently provide the offered digital content in real times; and

a controlling step of controlling the connection between the communication device that receives the desired piece of offered content (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40) and the communication device that sends the desired piece of offered content and the communication device that is the information provider, with the desired piece of offered content being provided in real time **(only recommended information will be shown to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40).**

Angles teaches a registered information updating step of updating the information registering means on the basis of updating information reflecting the current

status of the information provider (a system and method for delivering customized electronic advertisement in an interactive communication system. The customized advertisements are selected based on consumer computer and are then integrated with offering maintained by different content providers see abstract). Angles further provides the advantage of when the advertisement providers status is present, the content provider computer requests the customized advertisement and the advertisement computer then sends the customized directly to the consumer computer **(FIG. 9 and 10 see Col. 21 line 52)**.

Linden together with Angles does not explicitly disclose maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time.

Buhse teaches maintaining registration information on more than one piece of digital content from those of communication devices that are registered (system updates the catalog and can be distributed to retail network "The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105" see Buhse: ¶¶[0037]) offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time (downloading digital content from the content distributor center to the consumer in real time listing "The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products" see Buhse: ¶¶[0031]; Fig.2C Item 6a).

It would have been obvious to one of ordinary skill in the art, having the teachings of Linden through Buhse before them at the time the invention was made to modify the service managing method and system of Linden and Angles to include maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time, and offered content being provided in real time when it is indicated as currently available in real time as taught by Buhse.

One of ordinary skill in the art would have been motivated to make this modification in order to provide more efficient managing an information transmission service over a network in view of Buhse.

26. Regarding claim 23, Linden through Buhse taught service managing system and method according to claim 21, as described above. Linden and Buhse further teaches the updating information includes information indicative of the type of a media which can be used when providing the offered digital content **(Instant Recommendations Service can retrieved more than one type of media, such like items that fall outside any product group, product category or process see Linden: col.11 lines 21-37);** and

in the choices-window information updating step, the choices-window information is made to reflect the information indicative of whether the information provide can currently provide the offered digital content in real time (downloading digital content from the content distributor center to the consumer in real time listing "The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products" see

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Buhse: ¶[0031]; Fig.2C Item 6a) and media information included in the updating information (system updates the catalog and can be distributed to retail network “The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105” see Buhse: ¶[0037]).

27. Regarding claim 25, claim 25 is rejected for the same reason in claim 19 as set forth hereinabove.

28. Regarding claim 26, Linden through Buhse taught service managing system and method according to claim 1, as described above. Buhse further teaches wherein the digital content is video content (video games and motion pictures download over the network “For example, popular songs, once distributed primarily as tangible vinyl records, can be digitally recorded, transmitted over the Internet and downloaded into MP3 players. Similarly computer software, video games, and motion pictures can be encoded, transmitted at high speed and downloaded or displayed on widely available personal computers” see Buhse: ¶[0003]).

29. Regarding claim 27, Linden through Buhse taught service managing system and method according to claim 1, as described above. Buhse further teaches wherein the digital content is audio content (songs that download over the network to personal computer “For example, popular songs, once distributed primarily as tangible vinyl records, can be digitally recorded, transmitted over the Internet and downloaded into MP3 players. Similarly computer software, video games, and motion pictures can be



encoded, transmitted at high speed and downloaded or displayed on widely available personal computers” see Buhse: ¶[0003]).

30. Regarding 28, 30 and 32, they are rejected for the same reason as claims 26 as set forth hereinabove.

31. Regarding 29, 31 and 33, they are rejected for the same reason as claims 27 as set forth hereinabove.

### **Conclusion**

The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant’s art and those arts considered reasonably pertinent to applicant’s disclosure. See **MPEP 707.05(c)**.

The following reference teaches execution of trial data.

- US 5, 999, 525 (Krishnaswamy et al.) teaches telephone calls, data and other multimedia information including video, audio and data is routed through a switched network which includes transfer of information across the internet
- US 2003/0140090 A1 (Rezvani et al.) teach systems and methods for automatically capturing, uploading, and publishing content. The system may include one or more monitoring modules for providing captured content to a remote site

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guang Li whose telephone number is (571) 270-1897. The examiner can normally be reached on Monday-Friday 8:30AM-5:00PM(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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June 1, 2008  
GL  
Patent Examiner

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit

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